

Appl. No. 09/938,085
Amdt. Dated February 10, 2005
Reply to Office action of November 3, 2004
Attorney Docket No. P14463-US1
EUS/J/P/05-3030

REMARKS/ARGUMENTS

Claim Rejections – 35 U.S.C. § 102(e)

Claims 1, 3-4, 9-12 and 14-17 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Nordman et al. (US 2002/0174073) (hereinafter, Nordman). The Applicant respectfully traverses the rejection of these claims.

The Applicant respectfully asserts conception of the present invention prior to the effective date of the Nordman reference. The Applicant has enclosed a Declaration under 37 CFR §1.131 establishing conception of the invention of the subject matter of claims 1, 3-4, 9-12 and 14-17 prior to the effective date of the Nordman reference. Copies of documents documenting due diligence from the date of conception to the reduction to practice (filing date) of the Applicant's application is also enclosed. The Declaration overcomes the prior art reference Nordman since the date of conception coupled with the evidence of due diligence to the priority date of Nordman antedates Nordman. The Applicant respectfully requests the withdrawal of the rejection of these claims.

Claim Rejections – 35 U.S.C. § 103 (a)

Claims 2, 5-8, 13 and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nordman in view of Leppinen (US 6,735,186). The Applicant respectfully traverses the rejection of these claims.

As noted above, the Nordman reference is overcome by the Declaration under 37 CFR §1.131 enclosed with this response. The Leppinen reference does not provide the elements missing due to the absence of the Nordman reference. The Applicant, therefore, respectfully requests the withdrawal of the rejection of these claims


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CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,


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- ENC. 1) Declaration under 37 CFR §1.131
2) Workshop Date – Website title page
3) Index of papers showing actual submission dates to the workshop
4) Position Paper
5) Power Point presentation of Inventor's position paper
6) Ericsson invention disclosure – March 8, 2001
7) Order letter to Attorney Firm to file an application – June 15, 2001
8) Acceptance letter from Attorney Firm – June 15, 2001